

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

No. CR 21-00303 MV

vs.

RYAN HARRIS,

Defendant.

MOTION TO EXCLUDE EVIDENCE

Defendant Ryan Harris, by and through his attorney, Jack Mkhitarian, and hereby objects to the admission into evidence not provided, and as grounds therefore states unto the Court as follows:

1. A Criminal Complaint in this matter was filed on January 27, 2021 and the Court entered a discovery order on February 1, 2021.
2. The Court's February 1, 2021 Discovery Order states **DISCLOSURE OF EVIDENCE BY THE GOVERNMENT:**

Unless the defendant has filed the aforesaid waiver, within eight (8) days of the entry of this Order, the Government shall provide to defendant's counsel without motion all of the information to which the defendant is entitled pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

As of the filing of this motion, the government has provided to the Defense a copy of Defendant's sentencing orders from 2011 and 2012, a criminal complaint filed in Bernalillo Metropolitan Court relating to the instant offense on March 27, 2021, and several lapel videos related to the instant offense. Any

further disclosure by the Government is unfair and prejudicial to Ryan Harris because he has prepared for the April 26, 2021 docket call based upon the discovery previously disclosed to him. Any late disclosure of evidence by the Government provides insufficient time to Mr. Harris to conduct any case investigation based upon the newly disclosed evidence, or to prepare his cross examination of Government witnesses.

3. Ryan Harris has conducted significant preparation for the April 27, 2021 hearing, and should not be forced to accept a continuance of the proceedings due to the United States' late disclosure of evidence.

WHEREFORE, Defendant Ryan Harris respectfully requests that the Court sustain Defendant's objection to the admission of any further evidence for the grounds and reasons set forth above.

Respectfully submitted:

Electronically filed

Jack Mkhitarian
Attorney for Ryan Harris
1008 5th St. NW
Albuquerque, NM 87102
(505) 200-2982

I HEREBY CERTIFY that a copy of the foregoing was mailed/delivered to all counsel of record this 26th day of April 2021. Jack Mkhitarian